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**SUBSTITUTE HOUSE BILL 1188**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Murray, Woods, Conway, O'Brien, Ericks, Condotta, Wood, Simpson, Campbell, P. Sullivan, Lovick, Williams, Chase, Hinkle and Ormsby)

READ FIRST TIME 03/07/05.

1       AN ACT Relating to negotiating state patrol officer wages and  
2 wage-related matters; amending RCW 41.56.473 and 41.56.475; providing  
3 an effective date; and declaring an emergency.

4       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 41.56.473 and 1999 c 217 s 3 are each amended to read  
6 as follows:

7       (1) In addition to the entities listed in RCW 41.56.020, this  
8 chapter applies to the ((Washington)) state ((patrol)) with respect to  
9 the officers of the Washington state patrol appointed under RCW  
10 43.43.020(~~(. Subjects of bargaining include wage related matters)~~),  
11 except that the ((Washington)) state ((patrol)) is prohibited from  
12 negotiating (~~(rates of pay or wage levels and)~~) any matters relating to  
13 retirement benefits or health care benefits or other employee insurance  
14 benefits.

15       (2) For the purposes of negotiating:

16       (a) Wages and wage-related matters, the state shall be represented  
17 by the governor or the governor's designee who is appointed under  
18 chapter 41.80 RCW; and

1       (b) Nonwage related matters, the state shall be represented by the  
2 Washington state patrol.

3       (3) The negotiation of provisions pertaining to wages and wage-  
4 related matters in a collective bargaining agreement between the  
5 ((Washington)) state ((patrol)) and the Washington state patrol  
6 officers is subject to the following:

7       (a) The state's bargaining representative must periodically consult  
8 with a subcommittee of the joint committee on employment relations  
9 created in RCW 41.80.010(5) which shall consist of the four members  
10 appointed to the joint committee with leadership positions in the  
11 senate and the house of representatives, and the chairs and ranking  
12 minority members of the senate transportation committee and the house  
13 transportation committee, or their successor committees. The  
14 subcommittee must be consulted regarding the appropriations necessary  
15 to implement these provisions in a collective bargaining agreement and,  
16 on completion of negotiations, must be advised on the elements of these  
17 provisions.

18       (b) Provisions that are entered into before the legislature  
19 approves the funds necessary to implement the provisions must be  
20 conditioned upon the legislature's subsequent approval of the funds.

21       **Sec. 2.** RCW 41.56.475 and 1999 c 217 s 4 are each amended to read  
22 as follows:

23       In addition to the classes of employees listed in RCW 41.56.030(7),  
24 the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470,  
25 41.56.480, and 41.56.490 also apply to Washington state patrol officers  
26 appointed under RCW 43.43.020 as provided in this section, subject to  
27 the following:

28       (1) The mediator or arbitration panel may consider only matters  
29 that are subject to bargaining under RCW 41.56.473.

30       (2) The decision of an arbitration panel is not binding on the  
31 legislature and, if the legislature does not approve the funds  
32 necessary to implement provisions pertaining to wages and wage-related  
33 matters of an arbitrated collective bargaining agreement, is not  
34 binding on the state or the Washington state patrol.

35       (3) In making its determination, the arbitration panel shall be  
36 mindful of the legislative purpose enumerated in RCW 41.56.430 and, as

1 additional standards or guidelines to aid it in reaching a decision,  
2 shall take into consideration the following factors:

3 (a) The constitutional and statutory authority of the employer;

4 (b) Stipulations of the parties;

5 (c) Comparison of the hours and conditions of employment of  
6 personnel involved in the proceedings with the hours and conditions of  
7 employment of like personnel of like employers of similar size on the  
8 west coast of the United States;

9 (d) Changes in any of the foregoing circumstances during the  
10 pendency of the proceedings; and

11 (e) Such other factors, not confined to the foregoing, which are  
12 normally or traditionally taken into consideration in the determination  
13 of matters that are subject to bargaining under RCW 41.56.473.

14 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 July 1, 2005.

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